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Counsel for Defendants HILTON HOTELS CORP.
HILTON SUPPLY MANAGEMENT, INC., KEVIN A.
BARRY, and KEVIN BARRY FINE ART ASSOCIATES

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

BERENICE BRACKETT,

Plaintiff,

vs.

HILTON HOTELS CORP., et al.,

Defendants.

Case No. C08-2100-WHA

**SUPPLEMENTAL DECLARATION OF
KEVIN BARRY IN SUPPORT OF REPLY
TO DEFENDANTS' MOTION TO DISMISS
OR TRANSFER FOR IMPROPER VENUE;
OR IN THE ALTERNATIVE TO TRANSFER
FOR CONVENIENCE; AND MOTION TO
DISMISS COUNTS III AND IV FOR FAILURE
TO STATE A CLAIM**

I, Kevin A. Barry, declare:

1. I have personal knowledge of the facts in this declaration. If called as a witness I could and would testify to them.

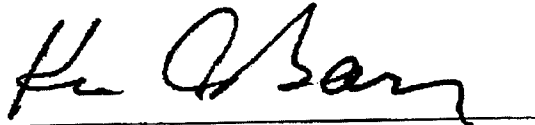
2. Upon information and belief, only two of the three images that Plaintiff claims infringe her copyrights were shipped to Hilton Homewood Suites ("Homewood") in the following locations: Avondale, Arizona; Dallas, Texas; Fort Worth, Texas; Hagerstown, Maryland; Lakewood, Colorado; Memphis, Tennessee; Rogers, Arkansas; Tucker, Georgia; and Tupelo, Missouri. Upon information and belief, the third image Plaintiff claims was infringed was never reproduced, sold, or shipped to Homewood.

3. Upon information and belief, the images that Plaintiff claims infringe her copyrights have not been shipped to any hotel properties owned, licensed or otherwise affiliated with Hilton,

1 other than those Homewood properties listed in Paragraph no. 2 above, including but not limited to
2 any Hilton properties located anywhere within the Northern District of California.

3 4. Upon information and belief, the images that Plaintiff claims infringe her copyrights
4 have never been shipped to, sold within or displayed anywhere within the Northern District of
5 California.

6 I declare that the above is true under penalty of perjury under the laws of the State of
7 California. Executed on this 10th day of June, 2008 in Los Angeles, California.

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11 Kevin A. Barry
12 Declarant
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